

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ZEMENCO, INC., a corporation,

Plaintiff,

v.

DEVELOPERS DIVERSIFIED  
REALTY CORPORATION, a  
corporation,

Defendant.

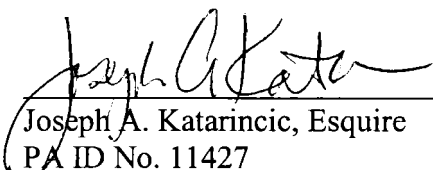
Case No. 03-175 Erie

**AMENDED NOTICE OF APPEAL**

Notice is hereby given that ZEMENCO, INC., plaintiff in the above-named action, hereby appeals to the United States Court of Appeals for the Third Circuit from (1) the Order entering judgment, entered in this action on the 14<sup>th</sup> day of October, 2005, (2) the Order granting summary judgment and dismissing this action, entered in this action on the 7<sup>th</sup> day of October, 2005, (3) the Memorandum Opinion granting summary judgment and dismissing this action, entered in this action on the 7<sup>th</sup> day of October, 2005, and (4) the minute entry denying ZEMENCO, INC.'s motion to compel filing of concise statement of material facts, entered in this action on the 15<sup>th</sup> day of July, 2005.

Respectfully submitted,

Dated: November 4, 2005

  
Joseph A. Katarincic, Esquire

PA ID No. 11427

THORP REED & ARMSTRONG, LLP

Firm ID No. 282

One Oxford Centre, 14<sup>th</sup> Floor

301 Grant Street

Pittsburgh, PA 15219-1425

Telephone: 412-394-7711

Facsimile: 412-394-2555

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on this 4th day of November, 2005, that true and correct copies of the foregoing Amended Notice of Appeal has been served by United States first-class mail, postage affixed thereto, on the following parties:

COUNSEL FOR DEFENDANT Developers Diversified Realty Corporation:

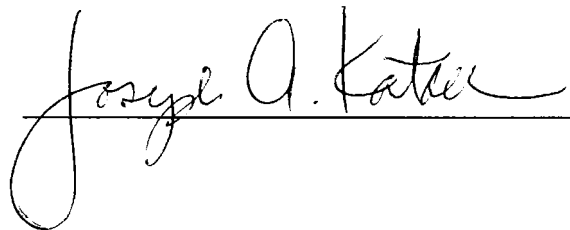
W. Patrick Delaney, Esquire  
MacDonald, Illig, Jones & Britton  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459

Marcia H. Haller, Esquire  
MacDonald, Illig, Jones & Britton  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459

T. Warren Jones, Esquire  
MacDonald, Illig, Jones & Britton  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459

THE COURT Pursuant to Local Appellate Rule 3.1:

The Honorable Sean J. McLaughlin  
United States District Court Judge  
Courtroom "C"  
United States Courthouse  
17 South Park Row  
Erie, Pennsylvania 16501

A handwritten signature in black ink, reading "Joseph A. Katri", written over a horizontal line.